

Serial No. 09/355,433

Remarks

The present application is the national phase of international application PCT/US98/01119 which designated the U.S. The Examiner asserted that the application did not contain an abstract of the disclosure. This assertion by the Examiner is simply incorrect. Applicant submits that the originally filed international application, based on which the Examiner conducts the current examination, does contain an abstract of the disclosure on a separate sheet, in full compliance with 37 C.F.R. 1.72(b). For the Examiner's convenience, a copy of the specification of the international application (although formatted for 8½ x 11 paper, and doubly spaced as suggested by the Examiner) is attached hereto as Attachment 1, which includes the aforementioned abstract of the disclosure on the last page. In any event, applicant has amended the specification to add such an abstract in case it is missing from the application of record. .

The present application claimed priority of application Serial No. 08/789,934 filed on January 28, 1997 under 35 U.S.C. 120. However, the Examiner objected to the specification, asserting that applicant did not specify in the first line of the specification that the application is a continuation-in-part of the parent application. This assertion by the Examiner is totally baseless. Applicant filed a Preliminary Amendment and Information Disclosure Statement (IDS) on July 27, 1999, to which the present Office Action is responsive, and applicant specifically requested therein that the specification be amended to insert before its first line the statement "This application is a continuation-in-part of application Serial No. 08/789,934, filed on January 28, 1997." Accordingly, the amendment as requested should have been entered, thereby fully satisfying the priority claim requirements.

The Examiner also asserted that the IDS filed on July 27, 1999 was improper in that applicant did not enclose a copy of each of the references listed on Form PTO-1449 (10 pages). This assertion by the Examiner is totally baseless as well. In the Remarks of the July 27, 1999 Preliminary Amendment and IDS, applicant specifically pointed out

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that all of the listed references were previously cited by or transmitted to the PTO in parent application Serial No. 08/789,934, of which the present application claims priority under 35 U.S.C. 120. Applicant also cited 37 C.F.R. 1.98(d) in the Remarks to explain why copies of the listed references were not enclosed. Rule 98(d) provides:

A copy of any patent, publication or other information listed in an information disclosure statement is **not required** to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.

(Emphasis added). Since the parent application was properly identified in the Preliminary Amendment and IDS, and the claim of priority of the parent application has been recognized by the Examiner, applicant appropriately relied upon Rule 98(d) to submit the IDS in question, without enclosing any copies of the listed references previously cited by or submitted to the Office in the parent application. For the Examiner's convenience, applicant re-submits copies of Form PTO-1449 (10 sheets) filed earlier (attached hereto as Attachment 2) and, again, respectfully requests that each of the listed references be expressly considered and be made of record.

Further, applicant hereby brings to the Examiner's attention additional references, namely, (1) an "OnStar®" brochure by General Motors Corp., (2) EP Publication No. 0 675 341 A1, and (3) EP Publication No. 0 569 243 A1, all of which are listed on a Supplemental IDS by Applicant Form PTO-1449, attached hereto as Attachment 3, together with copies of such additional references. It is respectfully requested that these additional references be expressly considered and be made of record as well. The required fee \$180.00 for submission of the Supplemental IDS is enclosed.

Applicant gratefully acknowledges the Examiner's determination that claims 12-17, 25-27, 145-157 and 159-165 contain allowable subject matter and are thus allowed.

However, the Examiner rejected claims 28 and 158 under 35 U.S.C. 112, second

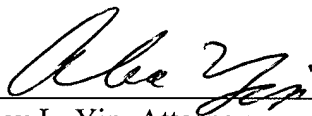
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paragraph, asserting that the claim language is unclear because of use of the term "subset" in those claims. In response, applicant has amended claims 15, 17, 28, 158, 160, 161, 163 and 165 to replace the term "subset" with the term "group," thereby making the claim language clearer. These claims have also been amended to improve their form.

In view of the foregoing, in addition to the aforementioned allowed claims, each of claims 15, 17, 28, 158, 160, 161, 163 and 165, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

Michael L. Obradovich

By 
Alex L. Yip, Attorney
Reg. No. 34,759
212-836-7363

Date: February 9, 2001
Attachments 1, 2 and 3